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Attorneys for Plaintiff
CHANEL, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHANEL, INC.,

Plaintiff,

vs.

VARIOUS JOHN DOES, JANE DOES;
and XYZ COMPANIES,

Defendants.

CIVIL CASE NO.: 22 CV 3790 (JPO)

PRELIMINARY INJUNCTION ORDER

This action having been commenced by Plaintiff Chanel, Inc. (hereinafter referred to as “Chanel” or “Plaintiff”) on May 10, 2022, against defendants alleging trademark counterfeiting and infringement of Plaintiff’s federally registered trademarks, and charging defendants with, *inter alia*, trademark counterfeiting, infringement and unfair competition; and a copy of the Summons, Complaint, Declaration of Richard Conte, Declaration of Javier Diaz, Declaration of John Macaluso and the Temporary Restraining Order, Seizure Order, Substitute Custodian Order and Order to Show Cause signed and entered by the Court on May 10, 2022 , having been served on **May 13, 2022** upon the following John Doe defendants, whose identities remain unknown, located at the following addresses: 201 Canal Street New York, NY 10013; 205 Canal Street (East) New


York, NY 10013; 205 Canal Street (West) New York, NY 10013; 224D Canal Street New York, NY 10013; 178B Hester New York, NY 10013; 105 Mulberry Street New York, NY 10013; 106-B Mulberry Street New York, NY 10013; 110A Mulberry Street (South) New York, NY 10013; 110B Mulberry Street (North) New York, NY 10013; and 117 Mulberry Street New York, NY 10013; (all of the above hereinafter collectively referred to as "Defendants"), and




It appearing to the Court that it has jurisdiction over the subject matter of this action, over the Plaintiff and over the Defendants; and





A hearing on the Order to Show Cause occurred on May 20, 2022, at which the Defendants did not appear; and




After the Court's due consideration of the Complaint and the exhibits thereto, the Order to Show Cause and accompanying papers and there being no opposition from Defendants, in fact complete non-participation by the Defendants up to the present time, the Court makes the following findings of fact and conclusions of law:

1. Chanel owns and controls the following U.S. Registered Trademarks:



Trademark	Registration Number	Registration Date	Class(es)/Goods
CHANEL	0,626,035	May 1, 1956	IC 018 – Women's Handbags
CHANEL	0,955,074	March 13, 1973	IC 14 – Watches
	1,314,511	January 15, 1985	IC 018 – Leather Goods-Namely, Handbags


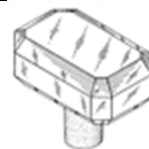

Trademark	Registration Number	Registration Date	Class(es)/Goods
CHANEL	1,347,677	July 9, 1985	IC 018 - Leather Goods-Namely, Handbags
	1,501,898	August 30, 1988	IC 06 – Keychains
CHANEL	1,510,757	November 1, 1988	IC 09 – Sun-glasses
CHANEL	1,571,787	December 19, 1989	IC 14 – Watches and clocks
CHANEL	1,647,875	June 18, 1991	IC 06 - Keychains
	1,654,252	August 20, 1991	IC 09 – Sunglasses
CHANEL	1,733,051	November 17, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Change Purses, Tote Bags, Cosmetic Bags Sold Empty, and Garment Bags for Travel
	1,734,822	November 24, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business Card Cases, Change Purses, Tote Bags, and Cosmetic Bags Sold Empty

Trademark	Registration Number	Registration Date	Class(es)/Goods
	3,025,934	December 13, 2005	IC 18 – Handbags
	3,025,936	December 13, 2005	IC 09 – Mobile phone straps, Eyeglass frames, sunglasses
CHANEL	3,133,139	August 22, 2006	IC 14 – Jewelry and watches
CHANEL	3,890,159	December 14, 2010	IC 09 – Cases for telephones IC 18 – Key cases
	4,074,269	December 20, 2011	IC 09 – Protective covers for portable electronic devices, handheld digital devices, personal computers and cell phones IC 018 – Key cases
CHANEL	4,237,249	November 6, 2012	IC 09 – Protective covers and cases for portable media players, portable electronic devices, handheld digital devices, personal computers and cell phones
CHANEL	4,505,430	April 1, 2014	IC 09 – Cellular phone accessory charms
	4,505,440	April 1, 2014	IC 09 – Cellular phone accessory charms

Trademark	Registration Number	Registration Date	Class(es)/Goods
COCO CHANEL	4,772,518	July 14, 2015	IC 06 – Metal key chains IC 14 – Jewelry IC 18 – Handbags
	1,241,264	June 7, 1983	(Int'l Class: 25) suits, jackets, skirts, dresses, pants, blouses, tunics, sweaters, cardigans, tee-shirts, coats, raincoats, scarves, shoes and boots
	1,271,876	March 27, 1984	(Int'l Class: 25) clothing-namely, coats, dresses, blouses, raincoats, suits, skirts, cardigans, sweaters, pants, jackets, blazers, and shoes
CHANEL	1,241,265	June 7, 1983	(Int'l Class: 25) suits, jackets, skirts, dresses, pants, blouses, tunics, sweaters, cardigans, coats, raincoats, scarves, shoes and boots
	4,241,822	November 13, 2012	(Int'l Class: 25) clothing, namely, coats, jackets, dresses, tops, blouses, sweaters, cardigans, skirts, vests, pants, jeans, belts, swim wear, pareos, beach cover-ups, hats, sun visors, scarves, shawls, ties, gloves,

Trademark	Registration Number	Registration Date	Class(es)/Goods
			footwear, hosiery and socks
BLEU DE CHANEL	3,874,204	November 9, 2010	IC 03 - Perfumery
N°5	1,171,888	October 6, 1981	IC 03 - Perfume, Spray Perfume, Toilet Water, [Cologne, Spray Cologne, Bath Powder, Bath Oil,] [After Bath Spray, Milk Bath,] Body Lotion, Perfumed Body Cream, Toilet Soap
COCO	1,612,557	September 11, 1980	IC 03 - PARFUM, EAU DE TOILETTE, BATH GEL, POWDER, BODY LOTION AND BATH SOAP.
COCO	848,755	May 7, 1968	IC 03 – Perfume [and Cologne]
CHANEL	195,360	February 24, 1925	IC 03 - FACE POWDER, PERFUME, EAU DE COLOGNE, TOILET WATER, LIP STICK, AND ROUGE.
CHANEL	510,992	June 14, 1949	IC 03 - PERFUME, [TOILET WATER,] * EAU DE TOILETTE, * EAU DE COLOGNE, FACE POWDER, BATH POWDER, [TALCUM POWDER,]

Trademark	Registration Number	Registration Date	Class(es)/Goods
			LIPSTICKS [, AND LIP OIL,].
CHANEL	1.348,842	July 16, 1985	IC 03 - FULL LINE OF PERFUMERY, COSMETICS AND TOILETRIES.
	1,368,563	November 5, 1985	IC 03 - Perfume
ALLURE HOMME	2,370,933	July 25, 2000	IC 03 - Fragrances and toiletries, namely eau de toilette, after shave, skin moisturizer, personal deodorant, [toilette soap] and shower gel for cleaning hair and body.
	0,195,359	February 24, 1925	IC 03 – Face powder, perfume, eau de cologne, toilet water, lipstick, and rouge.
CHANCE	2,003,332	September 24, 1996	IC 03 - Perfume, eau de parfum, eau de toilette, [foam bath gel,] body lotion, body cream, shower gel, [body powder, toilette soap and body deodorant]

Trademark	Registration Number	Registration Date	Class(es)/Goods
CHANEL N°5	701,978	July 26, 1960	IC 03, 05 - Perfume [Cologne,] [Talcum Powder,][and Bath Powder]
COCO MADEMOISELLE	2,557,185	April 2, 2002	IC 03 – Perfumery and cosmetics products, namely eau de parfum and skin moisturizers.
	5,848,275	September 3, 2019	IC 03 - Fragrances
	1,687,481	September 3, 2019	IC 03 - Fragrances
	2,382,784	September 5, 2020	IC – Perfume, eau de parfum
ÉGOÏSTE	1,782,330	July 20, 1993	IC – eau de toilette, [cologne]
GABRIELLE CHANEL	5,009,591	July 26, 2016	IC - Perfumery

2. Defendants are not licensed or otherwise authorized by Plaintiff to use the Chanel Registered Trademarks.
3. It appears that the merchandise seized from the Defendants are those bearing “counterfeit marks,” as defined in 15 U.S.C. § 1116(d), of the Chanel Registered

Trademarks (the “Counterfeit Goods”).

4. Defendants manufacture, distribution, offer for sale and sale of the Counterfeit Goods would also cause confusion, mistake or be likely to deceive purchasing consumers or cause post-consumer confusion, and would constitute trademark infringement and false designations of origin according to 15 U.S.C. § 1114(1) and 15 U.S.C. § 1125(a), respectively.
5. This Court has the power to grant ex parte seizures pursuant to 15 U.S.C. § 1116(d) and has the power to enjoin any violations of 15 U.S.C. § 1114(1) and 15 U.S.C. § 1125(a).
6. Plaintiff has shown that it is likely to succeed in its claim against the Defendants for infringing the Chanel Registered Trademarks and, unless enjoined, the Defendants are likely to continue to use counterfeit and/or infringing marks in connection with the manufacture, distribution, offer for sale and sale of the Counterfeit Goods.

NOW THEREFORE, it is hereby ORDERED as follows that:

1. Defendants and their respective officers, agents, servants, employees and attorneys, and all persons in active concert and participation with them are hereby restrained and enjoined, pending termination of this action:
 - a) From using the Chanel Registered Trademarks in any unauthorized manner.
 - b) From possessing, receiving, manufacturing, distributing, advertising, promoting, returning, offering for sale or otherwise disposing of in any manner, holding for sale or selling any goods, labels, tags, logos, decals, emblems, signs, and other forms of markings, any packaging, wrappers, pouches, containers and receptacles,

and any catalogs, price lists, promotional materials and the like bearing a copy or colorable imitation of the Chanel Registered Trademarks;

- c) From using any logo, trade name or trademark which may be calculated to falsely represent or which has the effect of falsely representing that the services or products of Defendants are sponsored by, authorized by, or in any way associated with the Plaintiff;
- d) From infringing the Chanel Registered Trademarks;
- e) From otherwise unfairly competing with Plaintiff;
- f) From falsely representing themselves as being connected with Plaintiff or sponsored by or associated with Plaintiff;
- g) From using any reproduction, counterfeit, copy, or colorable imitation of the Chanel Registered Trademarks in connection with the publicity, promotion, sale, or advertising of goods sold by Defendants including, without limitation, clothing, shoes, handbags and other accessories bearing a copy or colorable imitation of the Chanel Registered Trademarks;
- h) From affixing, applying, annexing, or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent such goods as being those of Plaintiff and from offering such goods in commerce;
- i) From using any trademark or trade name in connection with the sale of any goods which may be calculated to falsely represent such goods as being connected with, approved by or sponsored by Plaintiff; and

- j) From destroying, altering, disposing of, concealing, tampering with or in any manner secreting any and all business records, invoices, correspondence, books of account, receipts or other documentation relating or referring in any manner to the manufacture, advertising, receiving, acquisition, importation, purchase, sale or offer for sale, or distribution of any merchandise bearing the Chanel Registered Trademarks;

And it is further ORDERED:

- 2. That Defendants, their officers, agents, servants, employees and attorneys and all persons in active concert or participation with them are hereby enjoined, from transferring, discarding, destroying or otherwise disposing of the following in the possession, custody or control of the Defendants:
 - (a) All merchandise bearing any copy or counterfeit of the Chanel Registered Trademarks or any markings substantially indistinguishable therefrom;
 - (b) All labels, tags, logos, emblems, signs, and other forms of markings, all packaging, wrappers, pouches, containers, receptacles, and all advertisements, catalogs, price lists, guarantees, promotional materials and the like bearing any copy or counterfeit of the Chanel Registered Trademarks or any markings substantially indistinguishable therefrom, and all plates molds, dies, tooling, machinery, assembly equipment and other means of making the same; and
 - (c) All books and records, whether in written, digital or electronic form, showing:
 - (i) Defendants' manufacture, receipt and sale of merchandise bearing the Chanel Registered Trademarks;

- (ii) Defendants' manufacture, receipt and sale of any labels, tags, logos, decals, emblems, signs, and other forms of markings, any packaging, wrappers, pouches, containers and receptacles, and any catalogs, price lists, guarantees, promotional materials and the like bearing the aforesaid trademarks, either by reference to the Chanel Registered Trademarks or by style or code number or otherwise.
- 3. This Preliminary Injunction Order is issued without the posting by Plaintiff of any additional bond.
- 4. The seizure that took place pursuant to the Temporary Restraining Order dated May 10, 2022 is hereby confirmed.
- 5. The parties may take immediate and expedited discovery without regard to the time limitations set forth in Rules 30, 33, 34 and 36 of the Federal Rules of Civil Procedure.
- 6. The Temporary Restraining Order dated May 10, 2022, and all documents supporting such Order shall be unsealed, pursuant to 15 U.S.C. § 1116 (8), and the Clerk of the Court is instructed to return this file to the public portion of the Court records.
- 7. The bond posted by the Plaintiff in compliance with the Court's Temporary Restraining Order dated May 10, 2022 is hereby released.
- 8. Any and all goods, records, and materials seized by the law enforcement officials pursuant to the Court's Temporary Restraining Order dated May 10, 2022 and transferred to the custody of the authorized temporary custodians appointed by this Court - Plaintiff's counsel, Gibney, Anthony & Flaherty, LLP, 650 Fifth Avenue,

New York, New York 10019 (the “Substitute Custodian”), shall remain in the custody and control of the appointed Substitute Custodians pending further Order of this Court. However, Plaintiff shall be allowed to examine samples of the seized products for authenticity at its facilities in New York or Paris, France.

Dated: May 20, 2022

SO ORDERED:



J. PAUL OETKEN
United States District Judge